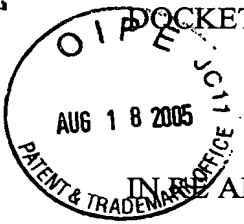


DOCKET NO: 275934US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE: APPLICATION OF :  
 MOTOKI KATO : EXAMINER: NGUYEN, H.N.  
 SERIAL NO: 09/453,763 :  
 FILED: DECEMBER 2, 1999 : GROUP ART UNIT: 2662  
 FOR: DATA RECORDING AND/OR :  
 REPRODUCING APPARATUS, METHOD,  
 AND SYSTEM AND RECORDING  
 MEDIUM

PETITION UNDER 37 CFR 1.181

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In accordance with 37 C.F.R. §1.181, Applicants respectfully request the Examiner acknowledge consideration of the publications cited in the PTO-1449 form mailed with the Information Disclosure Statement (IDS) on November 9, 2004. In accordance with the PAIR system, an Information Disclosure Statement was entered on November 12, 2004 (see attached copy of PAIR system). Additionally, we enclose herewith a copy of the filing receipt mailed November 9, 2004 along with the IDS and PTO 1449.

Accordingly, it is respectfully requested this petition be granted and the consideration of the IDS be acknowledged.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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Bradley D. Lytle  
 Attorney of Record  
 Registration No. 40,073

Customer Number  
 22850

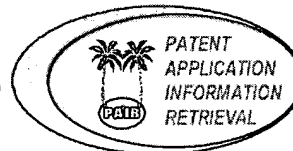
Tel: (703) 413-3000  
 Fax: (703) 413 -2220  
 (OSMMN 06/04)



United States Patent and Trademark Office

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**PATENT APPLICATION INFORMATION RETRIEVAL**



Search results as of: 8-16-2005::14:36:40 E.T.

Search results for application number: 09/453,763			
Application Number:	09/453,763	Customer Number:	-
Filing or 371(c) Date:	12-02-1999	Status:	Publications -- Issue Fee Payment Received
Application Type:	Utility	Status Date:	11-22-2004
Examiner Name:	NGUYEN, HANH N	Location:	ELECTRONIC
Group Art Unit:	2662	Location Date:	-
Confirmation Number:	3027	Earliest Publication No:	-
Attorney Docket Number:	450100-02054	Earliest Publication Date:	-
Class/ Sub-Class:	370/468	Patent Number:	-
First Named Inventor:	MOTOKI KATO, KANAGAWA, (JP)	Issue Date of Patent:	-
Title Of Invention:	DATA RECORDING AND/OR REPRODUCING APPARATUS, METHOD, AND SYSTEM AND RECORDING MEDIUM		

Search Options

Continuity Data
Foreign Priority
Image File Wrapper
Patent Term Extension History

File History	
Date	Contents Description
11-12-2004	Reference capture on IDS
11-12-2004	Information Disclosure Statement (IDS) Filed
03-14-2005	Receipt into Pubs
01-10-2005	Receipt into Pubs
11-19-2004	Issue Fee Payment Received
11-12-2004	Workflow - File Sent to Contractor
11-02-2004	Mail Notice of Allowance
11-01-2004	Notice of Allowance Data Verification Completed
11-01-2004	Case Docketed to Examiner in GAU
10-28-2004	Issue Revision Completed
10-26-2004	Notice of Allowability
10-12-2004	IFW TSS Processing by Tech Center Complete

10-12-2004	Date Forwarded to Examiner
08-06-2004	Response after Non-Final Action
08-06-2004	Request for Extension of Time - Granted
02-09-2004	Mail Non-Final Rejection
02-05-2004	Non-Final Rejection
12-03-2003	Date Forwarded to Examiner
11-12-2003	Response after Non-Final Action
08-07-2003	Mail Non-Final Rejection
08-06-2003	Non-Final Rejection
12-24-2002	Case Docketed to Examiner in GAU
03-09-2002	Case Docketed to Examiner in GAU
10-06-2000	Case Docketed to Examiner in GAU
03-28-2000	Case Docketed to Examiner in GAU
12-02-1999	Request for Foreign Priority (Priority Papers May Be Included)
03-02-2000	Application Dispatched from OIPE
03-02-2000	Application Is Now Complete
01-12-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
01-05-2000	IFW Scan & PACR Auto Security Review
01-12-2000	Preexamination Location Change
12-07-1999	Initial Exam Team nn

Serial No. 09/453 763 File No. 450100-02054 By TFP/CAR

Title in the Matter of the Application of DATA RECORDING AND JOB...

Applicant(s)/Inventor(s) Motoaki KATO

The following due \_\_\_\_\_ in the U.S. Patent Office, was received in the Patent Office

- |                                                                                                                     |                                      |                                                                                                |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Affidavit                                                                                  | <input type="checkbox"/> Declaration | <input type="checkbox"/> Express Mail Mailing Label # _____                                    |
| <input type="checkbox"/> Amendment                                                                                  |                                      | <input type="checkbox"/> (separate sheet)                                                      |
| <input type="checkbox"/> Preliminary Amendment                                                                      |                                      | <input checked="" type="checkbox"/> Check No. <u>33990</u> for \$ <u>180.00</u>                |
| <input type="checkbox"/> Amendment After Final Rejection                                                            |                                      | <input type="checkbox"/> Amex Payment No. _____ for \$ _____                                   |
| <input type="checkbox"/> Request for Extension of Time                                                              |                                      | <input type="checkbox"/> Deposit Account Order Form                                            |
| <input type="checkbox"/> Provisional Patent Application                                                             |                                      | <input type="checkbox"/> Drawing _____ Sheet(s)                                                |
| <input type="checkbox"/> Application for Patent, including<br>Pages Specification _____ Claims _____ Abstract _____ |                                      | <input checked="" type="checkbox"/> Information Disclosure Statement                           |
| <input type="checkbox"/> Declaration <input type="checkbox"/> Oath <input type="checkbox"/> Power                   |                                      | <input checked="" type="checkbox"/> PTO Form 1449 <u>410 References</u>                        |
| <input type="checkbox"/> Request for Filing Continuation or Divisional<br>Application _____ sheets                  |                                      | <input type="checkbox"/> Issue Fee/Publication Fee Transmittal                                 |
| <input type="checkbox"/> PCT Request _____ sheets, including                                                        |                                      | <input type="checkbox"/> Appeal Brief (triplicate) <input type="checkbox"/> Letter             |
| <input type="checkbox"/> Transmittal Letter                                                                         |                                      | <input type="checkbox"/> Application for TM Registration<br>Including _____ Specimens          |
| <input type="checkbox"/> Request for Continued Exam (RCE)                                                           |                                      | <input type="checkbox"/> Status Request <input type="checkbox"/> Notice of Appeal (triplicate) |
| <input type="checkbox"/> Assignment <input type="checkbox"/> Recordation Cover Sheet                                |                                      | <input type="checkbox"/> Petition <input type="checkbox"/> Response                            |
| <input type="checkbox"/> Amendment Fee Transmittal                                                                  |                                      | <input type="checkbox"/> Priority Document <input type="checkbox"/> Statement of Use           |
| <input type="checkbox"/> Claim of Priority                                                                          |                                      | <input type="checkbox"/> Response to Examiner's Statement                                      |
| <input type="checkbox"/> Request for Approval of Drawings                                                           |                                      | <input checked="" type="checkbox"/> Search Report                                              |
| <input type="checkbox"/> Diskette with Sequence Listing                                                             |                                      | <input type="checkbox"/> Response to Notice to File Missing Parts                              |

Mailed 1 <sup>st</sup> Class on 11/9/04

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PATENT  
450100-02054

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Motoki KATO  
Serial No. : 09/453,763  
Filed : December 2, 1999  
For : DATA RECORDING AND/OR REPRODUCING  
APPARATUS, METHOD, AND SYSTEM AND  
RECORDING MEDIUM  
Examiner : Hanh N. Nguyen  
Art Unit : 2662  
Confirmation No. : 3027

745 Fifth Avenue  
New York, New York 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22213-1450, on November 9, 2004.

Thomas F. Presson, Reg. No. 41,442

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

*Thomas F. Presson*  
\_\_\_\_\_  
Signature

November 9, 2004

\_\_\_\_\_  
Date of Signature

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97 (d)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure set forth in 37 C.F.R. 1.56, applicant is filing this Information Disclosure Statement and the accompanying form PTO-1449 along with

copies of the prior art therein identified. Such prior art has come to the attention of applicant by being cited in a Search Report issued in the corresponding European application on October 13, 2004, and a copy of which is enclosed. This Information Disclosure Statement is being filed after receipt of the Notice of Allowance mailed November 2, 2004 but before payment of the issue fee.

As is apparent in said Search Report, applicant's undersigned attorney hereby certifies pursuant to 37 C.F.R. §1.97 (e) that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

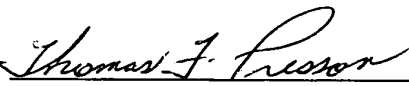
Enclosed is a check in the amount of \$180.00 as payment of the fee set forth in 37 C.F.R. §1.17(p).

The filing of this Information Disclosure Statement is not an admission that the documents identified herein constitute prior art to the present application.

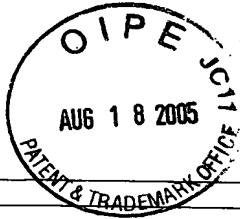
Please charge any fees incurred by the filing of this document or credit any overpayment to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By:   
Thomas F. Presson  
Reg. No. 41,442  
Tel. (212) 588-0800

Based on Form PTO-1449 (3/90)  LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 450100-02054	SERIAL NO. 09/453,763
	APPLICANT Motoki KATO	
	FILING DATE December 2, 1999	GROUP 2662



U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AC	5,844,636	12/01/98	Joseph et al.		
	AB	5,619,337	04/08/97	Naimpally		
	AA	5,596,581	01/21/97	Saeijs et al.		
	AD					

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AG	EP 0 862 295 A1	09/02/98	Europe		
	AE	EP 0 833 514 A2	04/01/98	Europe		
	AH	EP 0 825 783 A2	02/25/98	Europe		
	AF	EP 0 661 876 A2	07/05/95	Europe		
	AI					

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AJ	Lauderdale J. et al. "USING THE MINIMUM RESERVATION RATE FOR TRANSMISSION OF PRE-ENCODED MPEG VBR VIDEO USING CBR SERVICE", IEICE TRANSACTIONS ON COMMUNICATIONS, INSTITUTE OF ELECTRONICS INFORMATION AND COMM. ENG. TOKYO, JP, vol. E79-B, no. 8, 1 August 1996, pages 1023-1029
	AK	"INFORMATION TECHNOLOGY - GENERIC CODING OF MOVING PICTURES AND ASSOCIATED AUDIO INFORMATION: SYSTEMS. TECHNOLOGIES DE L'INFORMATION - CODAGE DES IMAGES ANIMEES ET DU SON ASSOCIE: SYSTEMES" INTERNATIONAL STANDARD ISO/IEC vol. 13818-1, pages 1-73, 15 April 1996
	AL	ISO/IEC 13818-1: 1996(E), ITU-T Rec. H.222.0 (1995 E); pgs. 74-119

EXAMINER	DATE CONSIDERED
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.